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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,069

12/17/2001

Yong Yan

US 010666

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09/02/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LEE, RICHARD J

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 09/02/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/023,069

Applicant(s)

YAN ET AL.

Examiner

Richard Lee

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2, 4</u> . | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 2613

1. Claims 6, 12, and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) the particular claim to "an MPEG-4 encoder" as recited at claims 6, 12, and 18, respectively is considered indefinite because there are many versions of the MPEG-4 recommendation and the recommends are continuously updated. The scope of the claim limitations cannot change over time, and unless the applicants provide in a response to this Office Action a statement identifying the date for the MPEG-4 recommendation or a copy of the MPEG-4 recommendation is provided, the claims are deemed indefinite;

(2) claim 19, line 1, after "background", "object" should be properly inserted in order to provide proper antecedent basis for the same as specified at claim 13, line 4; and

(3) claim 20, line 1, after "background", "object" should be properly inserted in order to provide proper antecedent basis for the same as specified at claim 13, line 4.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6-8, 12-14, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim (5,881,175).

Kim discloses a method and apparatus for encoding an image signal by using the contour signal as shown in Figures 1-4, and the same MPEG-4 object based encoding system and method

Art Unit: 2613

for encoding a video image, and program product stored on a recordable medium for encoding a video image in an object based encoding system (see column 4, lines 9-42) as claimed in claims 1, 2, 6-8, 12-14, 18, and 20, comprising the same foreground encoding system (i.e., contour encoder 301 of Figure 2 encodes mask data representing foreground data (object pixels), see column 4, lines 9-42); a padding system (i.e., 508 of Figure 2, see column 5, lines 6-44) that pads a masked area in a background object plane, wherein the masked area is determined from data associated with the foreground shape; a background encoding system for coding the background object plane (i.e., contour encoder 301 of Figure 2 encodes mask data representing background data, see column 4, lines 9-42); wherein the foreground encoding system utilizes a shape-based encoding scheme (i.e., as provided by the contour encoder 301 of Figure 2, see column 4, lines 9-42); and wherein the background plane is shape coded (i.e., as provided by the contour encoder 301 of Figure 2, see column 4, lines 9-42).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim as applied to claims 1, 2, 6-8, 12-14, 18, and 20 in the above paragraph (3), and further in view of Itokawa (6,404,901).

Kim discloses substantially the same MPEG-4 object based encoding system and method for encoding a video image, and program product stored on a recordable medium for encoding a video image in an object based encoding system as above, but does not particularly disclose

Art Unit: 2613

wherein the background encoding system utilizes a frame based encoding scheme as claimed in claims 3, 9, and 15. However, Itokawa discloses an image information processing apparatus as shown in Figure 8, and teaches the conventional frame based encoder (i.e., 108 of Figure 8, see column 5, lines 31-56) for encoding frames of background data. Therefore, it would have been obvious to one of ordinary skill in the art, having the Kim and Itokawa references in front of him/her and the general knowledge of background and foreground encodings, would have had no difficulty in providing the frame based encoder of Itokawa for encoding the background data of Kim for the same well known MPEG-4 compliant compression purposes as claimed.

6. Claims 4, 5, 10, 11, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim as applied to claims 1, 2, 6-8, 12-14, 18, and 20 in the above paragraph (3), and further in view of Ostermann of record (Coding of Arbitrarily Shaped Objects with Binary and Greyscale Alpha-Maps: What Can MPEG-4 Do For You?).

Kim discloses substantially the same MPEG-4 object based encoding system and method for encoding a video image, and program product stored on a recordable medium for encoding a video image in an object based encoding system as above, but does not particularly disclose wherein the masked area is padded with zeros when the video image comprises a P or B frame and wherein the masked area is padded with an average pixel value of the masked area when the video image comprises an I frame as claimed in claims 4, 5, 10, 11, 16, and 17. It is noted that Kim does teach the particular padding of background regions with zeros and an average value of pixel values in the object region (see column 1, lines 46-59), but Kim is silent as to the particular masked area is padded with zeros when the video image comprises a P or B frame and wherein the masked area is padded with an average pixel value of the masked area when the video image

Art Unit: 2613

comprises an I frame as claimed. However, Ostermann discloses a shaped based object coder system and teaches the particular padding of pixels to 0 for P or B frames (i.e., inter mode, see page 275, section 3) and the padding with an average pixel of the masked area when the video image comprises an I frame (see page 275, section 3). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kim and Ostermann references in front of him/her and the general knowledge of the padding of masked areas of background regions, would have had no difficulty in providing the padding of pixels to 0 for P or B frames and the padding with an average pixel of the masked area when the video image comprises an I frame as taught by Ostermann as part of the padding circuit 508 of Kim for the same well known good resulting coding efficiency purposes as claimed.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim as applied to claims 1, 2, 6-8, 12-14, 18, and 20 in the above paragraph (3), and further in view of Maeda (US 2001/0048770 A1).

Kim discloses substantially the same MPEG-4 object based encoding system and method for encoding a video image, and program product stored on a recordable medium for encoding a video image in an object based encoding system as above, but does not particularly disclose wherein the background plane is texture coded as claimed in claim 19. The particular use of texture coders for background objects are however old and well recognized in the art, as exemplified by Maeda (see 65 of Figure 5, and page 6, section [0110]). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kim and Maeda references in front of him/her and the general knowledge of texture video coders, would have had no difficulty in

Art Unit: 2613

providing the texture coder of Maeda for processing the background regions of Kim for the same well known texture coding of background portions for MPEG compliant purposes as claimed.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagarajan et al discloses a method for reducing alpha plane bit mask size.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:


(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

  
RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl



8/30/04